

3:12 pm, Sep 06 2022

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ Deputy**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND****UNITED STATES OF AMERICA****v.****JUSTIN KUCHTA,****Defendant**

22-2526 BPG

Case No. _____**UNDER SEAL****GOVERNMENT'S MOTION TO SEAL**

The United States of America, by and through undersigned counsel, hereby moves this Honorable Court for an Order sealing the Complaint, Arrest Warrant, and Affidavit in support thereof, together with this Motion in the above-referenced matter:

2. The Affidavit submitted in support of the above-referenced Application contains information regarding an ongoing investigation relative to a violation of 18 U.S.C. § 875(c) (Interstate Communication Containing a Threat to Injure).

3. In order to justify sealing the Complaint, Arrest Warrant, and Affidavit, the Government must demonstrate that: (1) there is a compelling Government interest requiring materials to be kept under seal; and (2) there is no less restrictive means, such as redaction, available. In re Search Warrants Issued on April 26, 2004, 353 F. Supp. 2d 584 (D. Md. 2004).

4. Disclosure of the Application at this time could seriously jeopardize the investigation in all likelihood by, among other things, causing the potential target—who is unaware of the federal investigation—to flee or take steps to destroy or conceal evidence, which would adversely affect the outcome of the investigation.

5. The procedures for sealing are set forth in Baltimore Sun Co. v. Goetz, 886 F.2d 60 (4th Cir. 1989). “The judicial officer may explicitly adopt the facts that the government presents to justify the sealing.” Id. at 65. This motion and the Court’s reasons for sealing should

also be sealed. See id. Notice of the sealing is required, but the notice requirement is satisfied by the docketing of the order sealing the documents. Id.

WHEREFORE, the Government respectfully requests that the Complaint, Arrest Warrant, and the Affidavit in support thereof, together with this motion and the Court's reasons for sealing, if made express in the Order, be placed under seal.

Respectfully submitted,

Erek L. Barron
United States Attorney

By:



Digitally signed by
THOMAS SULLIVAN
Date: 2022.09.05 22:44:06
-04'00'

Thomas M.k Sullivan
Assistant United States Attorney